

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:08cv153**

<b>THE EDWIN RECTOR 1995</b>	)	
<b>CHARITABLE TRUST,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>Vs.</b>	)	<b>ORDER</b>
	)	
<b>CARTER NEIGHBORS LIMITED</b>	)	
<b>d/b/a Sonny's, Sonny's Foothill Fuqi, and Sonny's Used Cars; and LANNIE</b>	)	
<b>D. CARTER, JR., a/k/a "Sonny"</b>	)	
<b>Carter, Individually,</b>	)	
	)	
	)	
<b>Defendants.</b>	)	
	)	

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**THIS MATTER** is before the court for purposes of scheduling the Final Pretrial Conference. Review of the pleadings in this matter reveals that this action, having been earlier continued from the trial calendar, is now ready for trial inasmuch as the dispositive motions deadline has passed. Trial is scheduled to commence on or after October 6, 2009, and the undersigned is informed by the Clerk of this Court that a term is scheduled for such date and that this action is the only case remaining on such trial calendar. Inasmuch as it is a certainty that this action will be reached during the term, the court will schedule the Final Pretrial Conference and require that exhibit lists, witness lists, and trial briefs be ready for submission at such conference. (This is a departure from the Pretrial Order.) Proposed jury instructions may be submitted as late as the first day of trial, but the court welcomes such submissions at

any time as well as supplements as issues arise during the trial. Counsel for the respective parties should come prepared to discuss any issues or special needs they may have in trying this case.

## ORDER

**IT IS, THEREFORE, ORDERED** that a Final Pretrial Conference is **CALENDARED** in this matter for 2 p.m. on September 14, 2009, in Asheville. Respective counsel are respectfully requested to prepare exhibit lists, witness lists, and trial briefs for submission at such conference.

Signed: August 24, 2009

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

